

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 150px;"> JAN - 5 2023 </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC FINLEY, JR.,

Defendant.

2:21-CR-270-GMN-DJA

Preliminary Order of Forfeiture

This Court finds Eric Finley, Jr., pled guilty to Count One of a Five-Count Criminal Indictment charging him in Count One with engaging in the business and dealing in firearms without a license in violation of 18 U.S.C. §§ 922(a)(1)(A) and 923(a). Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Eric Finley, Jr., agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment. Criminal Indictment, ECF No. 1; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, under Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment and the offense to which Eric Finley, Jr., pled guilty.

The following property is (1) any firearm or ammunition involved in or used in any willful violation of 18 U.S.C. §§ 922(a)(1)(A) and 923(a); and (2) any firearm or ammunition intended to be used in violation of 18 U.S.C. § 922(a)(1)(A) and is subject to forfeiture under 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c) and 18 U.S.C. § 924(d)(1), (2)(C), and (3)(C) with 28 U.S.C. § 2461(c):

- 1 1. Glock 23, .40 caliber pistol, bearing serial number BTEU511;
- 2 2. a Springfield XDE9, 9 mm pistol, bearing serial number HE947826; and
- 3 3. any and all compatible ammunition
- 4 (all of which constitutes property).

5 This Court finds that on the government's motion, the Court may at any time enter
6 an order of forfeiture or amend an existing order of forfeiture to include subsequently
7 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

8 This Court finds the United States of America is now entitled to, and should, reduce
9 the aforementioned property to the possession of the United States of America.

10 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
11 DECREED that the United States of America should seize the aforementioned property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
13 rights, ownership rights, and all rights, titles, and interests of Eric Finley, Jr., in the
14 aforementioned property are forfeited and are vested in the United States of America and
15 shall be safely held by the United States of America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
17 of America shall publish for at least thirty (30) consecutive days on the official internet
18 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
19 describe the forfeited property, state the times under the applicable statute when a petition
20 contesting the forfeiture must be filed, and state the name and contact information for the
21 government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
23 or entity who claims an interest in the forfeited property must file a petition for a hearing to
24 adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C.
25 § 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under
26 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the
27 petitioner's right, title, or interest in the property, the time and circumstances of the

28 / / /

1 petitioner's acquisition of the right, title or interest in the property, any additional facts
2 supporting the petitioner's claim, and the relief sought.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
4 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
5 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
6 not sent, no later than sixty (60) days after the first day of the publication on the official
7 internet government forfeiture site, www.forfeiture.gov, whichever is earlier.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
9 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
10 Attorney's Office at the following address at the time of filing:

11 Daniel D. Hollingsworth
12 Assistant United States Attorney
13 Misty L. Dante
14 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
16 described herein need not be published in the event a Declaration of Forfeiture is issued by
17 the appropriate agency following publication of notice of seizure and intent to
18 administratively forfeit the above-described property.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
20 copies of this Order to all counsel of record.

21 DATED January 5, 2023.

22
23
24 
25 GLORIA M. NAVARRO
26 UNITED STATES DISTRICT JUDGE
27
28